

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOROTHY NESKE and CHRISTOPHER NESKE,
as Parents and Natural Guardians of A.N., and
DOROTHY NESKE and CHRISTOPHER NESKE,
Individually,

Plaintiffs,

-against-

DAVID C. BANKS, in his Official Capacity as the
Chancellor of the New York City Department of
Education and the NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants.

ANALISA TORRES, District Judge:

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22 Civ. 6946 (AT)

ORDER

The Court has reviewed the parties' letters dated February 28 and March 8, 2023. ECF Nos. 24–26. Plaintiffs request leave to file a motion for summary judgment, and Defendants request leave to file a cross-motion for summary judgment. The parties have proposed a briefing schedule for their requested motions. ECF Nos. 24 at 3, 25 at 4. Accordingly:


1. Plaintiffs' request to file a motion for summary judgment is GRANTED;
2. Defendants' request to file a cross-motion for summary judgment is GRANTED;
3. By **May 8, 2023**, Plaintiffs shall file their motion for summary judgment;
4. By **June 7, 2023**, Defendants shall file their cross-motion for summary judgment;
5. By **June 28, 2023**, Plaintiffs shall file their reply, if any, and their opposition to Defendants' cross-motion for summary judgment; and
6. By **July 19, 2023**, Defendants shall file their reply, if any.

In addition, Plaintiffs indicate that they "have requested the underlying certified record and anticipate its receipt in approximately 4-6 weeks." ECF No. 25 at 3 n.1. On February 27, 2023, the Court granted a request to seal "the certified copy of the administrative record." ECF No. 23. By **March 15, 2023**, Plaintiffs shall clarify whether their reference to the certified record was in error.

Finally, on November 8, 2022, the Court relieved the parties of the requirement to submit a Local Rule 56.1 Statement of Material Facts. ECF No. 19. The Court hereby amends that decision. The parties shall file their 56.1 Statements along with their motions.

SO ORDERED.

Dated: March 9, 2023
New York, New York



ANALISA TORRES
United States District Judge